

4 "Casual Sales" means:

5 1. Sales of tangible personal property by the owner of a non-recur-
6 ring nature, if the seller, at the time of sale, is not engaged for profit
7 in the business of selling tangible goods or services taxed under sec-
8 tion four hundred twenty-two point forty-three (422.43) of the Code.

1 SEC. 2. Section four hundred twenty-two point forty-five (422.45),
2 Code 1962, is hereby amended by adding thereto the following new
3 subsection:

4 "The gross receipts from 'casual sales'."

1 SEC. 3. This Act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Lake Mills
3 Graphic, a newspaper published at Lake Mills, Iowa, and in the Algona
4 Kossuth County Advance, a newspaper published at Algona, Iowa.

Approved March 15, 1963.

I hereby certify that the foregoing Act, Senate File 9, was published in the Lake Mills Graphic, Lake Mills, Iowa, March 20, 1963, and in the Algona Kossuth County Advance, Algona, Iowa, March 19, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 264

SALES TAX EXEMPTIONS

S. F. 127

AN ACT to amend section four hundred twenty-two point forty-five (422.45), Code 1962, relating to exemptions from the imposition of the retail sales tax.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-two point forty-five
2 (422.45), Code 1962, is hereby amended by striking all of subsection
3 five (5) and inserting in lieu thereof the following:

4 "The gross receipts of all sales of goods, wares or merchandise used
5 for public purposes to any tax-certifying or tax-levying body of the
6 state of Iowa or governmental subdivision thereof, including the state
7 board of regents, board of control of state institutions, state highway
8 commission and all divisions, boards, commissions, agencies or instru-
9 mentalities of state, federal, county or municipal government which
10 derive disburseable funds from appropriations or allotments of funds
11 raised by the levying and collection of taxes, except sales of goods,
12 wares or merchandise used by or in connection with the operation of
13 any municipally-owned public utility engaged in selling gas, elec-
14 tricity or heat to the general public.

15 "The exemption provided by this subsection shall also apply to all
16 such sales of goods, wares or merchandise subject to use tax under
17 the provisions of chapter four hundred twenty-three (423) of the
18 Code."

1 SEC. 2. Section four hundred twenty-two point forty-five (422.45),
 2 Code 1962, is further amended by inserting after the word "thereof"
 3 in line three (3) of subsection (6) the following: "including the
 4 state board of regents, board of control of state institutions, state
 5 highway commission, and all divisions, boards, commissions, agencies
 6 or instrumentalities of state, federal, county or municipal govern-
 7 ment which derive disburseable funds from appropriations or allot-
 8 ments of funds raised by the levying and collection of taxes."

1 SEC. 3. The refunds provided in the preceding section two (2)
 2 shall be retroactive and apply to any applications for refund now on
 3 file with the state tax commission, or hereafter filed therewith for
 4 projects now in process, upon which sales or use taxes are paid prior
 5 to the taking effect of this Act. Any of the above-mentioned govern-
 6 mental bodies or subdivisions thereof shall be entitled to a refund of
 7 such taxes so paid upon making application to the state tax commis-
 8 sion therefor.

1 SEC. 4. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Cedar
 3 Rapids Gazette, a newspaper published at Cedar Rapids, Iowa, and
 4 The Mount Vernon Hawkeye-Record & The Lisbon Herald, a news-
 5 paper published at Mount Vernon, Iowa.

Approved May 16, 1963.

I hereby certify that the foregoing Act, Senate File 127, was published in the Cedar Rapids Gazette, Cedar Rapids, Iowa, May 20, 1963, and in The Mount Vernon Hawkeye-Record & The Lisbon Herald, Mount Vernon, Iowa, May 23, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 265

SALES AND USE TAX PENALTIES

H. F. 401

AN ACT relating to penalties for failure to file a sales or use tax return or failure to pay sales or use tax within the time required.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-two point fifty-four
 2 (422.54), Code 1962, is hereby amended by adding to the beginning of
 3 said section the following:
 4 "1. As soon as practicable after a return is filed and in any event
 5 within five years after the return is filed the commission shall examine
 6 it, assess and determine the tax due if the return is found to be incor-
 7 rect and give notice to the taxpayer of such assessment and determina-
 8 tion as provided in subsection two (2) hereof. If the determination
 9 that a return is incorrect is the result of an audit of the books and
 10 records of the taxpayer, the tax, or additional tax, if any is found due,